

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

VINCENT DOAN,	:	
	:	
Petitioner,	:	
v.	:	Case No. 00-CV-727
	:	
HAROLD CARTER, WARDEN,	:	JUDGE BECKWITH
	:	
Respondent.	:	MAGISTRATE JUDGE HOGAN

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**PETITIONER DOAN'S NOTICE OF SUPPLEMENTAL AUTHORITY**

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Now comes Vincent Doan, through counsel, and hereby submits the decision of the United States Court of Appeals for the Ninth Circuit in *Bockting v. Bayer*, 399 F.3d 1010(2005), as supplemental authority. Petitioner's "Fifth Ground for Relief" states that the Supreme Court, in *Crawford*, "examined the constitutional protection of confrontation and cross-examination and the prohibition against introduction of hearsay." Petitioner conceded, however, that *Crawford* had only been applied to cases on direct appeal. The holding in *Bockting* applies *Crawford v. Washington*, 124 S.Ct. 1354 (2004), retroactively, because *Crawford* introduces a new rule, as required for retroactive application under *Teague v. Lane*, 489 U.S. 288 (1989) and because the absence of the new rule severely diminishes the likelihood of an accurate conviction. A copy of the decision has been attached for the convenience of the Court and opposing counsel.

Respectfully submitted,

/s/Kort Gatterdam

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#### **CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Notice of Supplemental Authority was served by clerk's electronic filing e-mail upon Stuart Cole, Assistant Ohio Attorney General, on the 22nd day of July, 2005.

/s/Kort Gatterdam

Kort Gatterdam